

1 AN ACT concerning children.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Abused and Neglected Child Reporting Act is  
5 amended by changing Section 4 as follows:

6 (325 ILCS 5/4) (from Ch. 23, par. 2054)

7 Sec. 4. Persons required to report; privileged  
8 communications; transmitting false report. Any physician,  
9 resident, intern, hospital, hospital administrator and  
10 personnel engaged in examination, care and treatment of  
11 persons, surgeon, dentist, dentist hygienist, osteopath,  
12 chiropractor, podiatrist, physician assistant, substance abuse  
13 treatment personnel, funeral home director or employee,  
14 coroner, medical examiner, emergency medical technician,  
15 acupuncturist, crisis line or hotline personnel, school  
16 personnel (including administrators and both certified and  
17 non-certified school employees), educational advocate assigned  
18 to a child pursuant to the School Code, truant officers, social  
19 worker, social services administrator, domestic violence  
20 program personnel, registered nurse, licensed practical nurse,  
21 genetic counselor, respiratory care practitioner, advanced  
22 practice nurse, home health aide, director or staff assistant  
23 of a nursery school or a child day care center, recreational

1 program or facility personnel, law enforcement officer,  
2 licensed professional counselor, licensed clinical  
3 professional counselor, registered psychologist and assistants  
4 working under the direct supervision of a psychologist,  
5 psychiatrist, or field personnel of the Department of  
6 Healthcare and Family Services, Juvenile Justice, Public  
7 Health, Human Services (acting as successor to the Department  
8 of Mental Health and Developmental Disabilities,  
9 Rehabilitation Services, or Public Aid), Corrections, Human  
10 Rights, or Children and Family Services, supervisor and  
11 administrator of general assistance under the Illinois Public  
12 Aid Code, probation officer, or any other foster parent,  
13 homemaker or child care worker having reasonable cause to  
14 believe a child known to them in their professional or official  
15 capacity may be an abused child or a neglected child shall  
16 immediately report or cause a report to be made to the  
17 Department.

18 Any member of the clergy having reasonable cause to believe  
19 that a child known to that member of the clergy in his or her  
20 professional capacity may be an abused child as defined in item  
21 (c) of the definition of "abused child" in Section 3 of this  
22 Act shall immediately report or cause a report to be made to  
23 the Department.

24 If an allegation is raised to a school board member during  
25 the course of an open or closed school board meeting that a  
26 child who is enrolled in the school district of which he or she

1 is a board member is an abused child as defined in Section 3 of  
2 this Act, the member shall direct or cause the school board to  
3 direct the superintendent of the school district or other  
4 equivalent school administrator to comply with the  
5 requirements of this Act concerning the reporting of child  
6 abuse. For purposes of this paragraph, a school board member is  
7 granted the authority in his or her individual capacity to  
8 direct the superintendent of the school district or other  
9 equivalent school administrator to comply with the  
10 requirements of this Act concerning the reporting of child  
11 abuse.

12 Whenever such person is required to report under this Act  
13 in his capacity as a member of the staff of a medical or other  
14 public or private institution, school, facility or agency, or  
15 as a member of the clergy, he shall make report immediately to  
16 the Department in accordance with the provisions of this Act  
17 and may also notify the person in charge of such institution,  
18 school, facility or agency, or church, synagogue, temple,  
19 mosque, or other religious institution, or his designated agent  
20 that such report has been made. Under no circumstances shall  
21 any person in charge of such institution, school, facility or  
22 agency, or church, synagogue, temple, mosque, or other  
23 religious institution, or his designated agent to whom such  
24 notification has been made, exercise any control, restraint,  
25 modification or other change in the report or the forwarding of  
26 such report to the Department.

1           The privileged quality of communication between any  
2 professional person required to report and his patient or  
3 client shall not apply to situations involving abused or  
4 neglected children and shall not constitute grounds for failure  
5 to report as required by this Act.

6           A member of the clergy may claim the privilege under  
7 Section 8-803 of the Code of Civil Procedure.

8           In addition to the above persons required to report  
9 suspected cases of abused or neglected children, any other  
10 person may make a report if such person has reasonable cause to  
11 believe a child may be an abused child or a neglected child.

12           Any person who enters into employment on and after July 1,  
13 1986 and is mandated by virtue of that employment to report  
14 under this Act, shall sign a statement on a form prescribed by  
15 the Department, to the effect that the employee has knowledge  
16 and understanding of the reporting requirements of this Act.  
17 The statement shall be signed prior to commencement of the  
18 employment. The signed statement shall be retained by the  
19 employer. The cost of printing, distribution, and filing of the  
20 statement shall be borne by the employer.

21           The Department shall provide copies of this Act, upon  
22 request, to all employers employing persons who shall be  
23 required under the provisions of this Section to report under  
24 this Act.

25           Any person who knowingly transmits a false report to the  
26 Department commits the offense of disorderly conduct under

1 subsection (a)(7) of Section 26-1 of the "Criminal Code of  
2 1961". Any person who violates this provision a second or  
3 subsequent time shall be guilty of a Class 3 felony.

4 Any person who knowingly and willfully violates any  
5 provision of this Section other than a second or subsequent  
6 violation of transmitting a false report as described in the  
7 preceding paragraph, is guilty of a Class A misdemeanor for a  
8 first violation and a Class 4 felony for a second or subsequent  
9 violation; except that if the person acted as part of a plan or  
10 scheme having as its object the prevention of discovery of an  
11 abused or neglected child by lawful authorities for the purpose  
12 of protecting or insulating any person or entity from arrest or  
13 prosecution, the person is guilty of a Class 4 felony for a  
14 first offense and a Class 3 felony for a second or subsequent  
15 offense (regardless of whether the second or subsequent offense  
16 involves any of the same facts or persons as the first or other  
17 prior offense).

18 A child whose parent, guardian or custodian in good faith  
19 selects and depends upon spiritual means through prayer alone  
20 for the treatment or cure of disease or remedial care may be  
21 considered neglected or abused, but not for the sole reason  
22 that his parent, guardian or custodian accepts and practices  
23 such beliefs.

24 A child shall not be considered neglected or abused solely  
25 because the child is not attending school in accordance with  
26 the requirements of Article 26 of the School Code, as amended.

1 (Source: P.A. 93-137, eff. 7-10-03; 93-356, eff. 7-24-03;  
2 93-431, eff. 8-5-03; 93-1041, eff. 9-29-04; 94-888, eff.  
3 6-20-06.)

4 Section 99. Effective date. This Act takes effect upon  
5 becoming law.